

MINUTES  
FOR THE MEETING OF THE  
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: December 14, 1999  
TIME: 9:00 am  
PLACE: DLNR Board Room  
Kalanimoku Bldg.

Chairperson Timothy E. Johns called the meeting of the Commission on Water Resource Management to order at 9:12 a.m.

The following were in attendance:

MEMBERS: Mr. Timothy Johns  
Dr. Bruce Anderson  
Mr. Robert Giraldo  
Mr. Brian Nishida  
Mr. David Nobriga  
Mr. Herbert Richards, Jr.

STAFF: Ms. Linnel Nishioka  
Mr. Roy Hardy  
Mr. Ed Sakoda  
Mr. Eric Hirano  
Mr. Dean Nakano  
Mr. David Higa  
Mr. Glenn Bauer  
Mr. Ryan Imata  
Ms. Lenore Nakama  
Ms. Faith Ching

COUNSEL: Ms. Dawn Chang

OTHERS:

David Craddick  
Bert Hatton

Gordon Tribble  
Keith Douglas

Manabu Tagomori

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

**1. Minutes of the November 17, 1999 meeting**

MOTION: (Nobriga/Richards)

To approve the minutes.

UNANIMOUSLY APPROVED.

**Minutes of the September 15, 1999 meeting**

MOTION: (Richards/Nobriga)

To approve the minutes.

UNANIMOUSLY APPROVED.

**2. Old Business/Announcements**

Deputy Director Linnel Nishioka stated that on January 5 staff would be going over to Lanai for the annual public information meeting that was a condition of the Commission's non-designation decision on Lanai.

Deputy Director Nishioka stated that because January 19 is the opening day of the 2000 Legislature, the Commission meeting has been pushed back to January 26, 2000. A briefing to the Commission on the final legislative package will be presented at that time.

Jim Parham of Louisiana State University gave a presentation on some of the work they are doing on GIS modeling, stream flow and aquatic life. Deputy Director Nishioka asked Mr. Parham to return in February and give the presentation to the Commission.

Deputy Director Nishioka stated that comments are still being accepted on the Statewide Framework for the Update of the Hawaii Water Plan. Comments will be accepted till the end of the year. Comment period on the Pearl Harbor Sustainable Yield has been closed. Staff will return to the Commission in January on the progress of both.

Deputy Director Nishioka stated that the Waiahole oral arguments will start at 8:30 a.m. (tomorrow, December 15, 1999) in the Supreme Court. Retired Justice Frank Padgett will be representing the Commission.

**3. Cooperative Agreement with U.S. Geological Survey for Statewide Hydrologic Data Collection and Water Resource Investigations for Fiscal Year (FY) 2000**

PRESENTATION OF SUBMITTAL: Mr. Eric Hirano

RECOMMENDATIONS:

That the Commission approve the subject cooperative agreement between the Commission and the U.S. Geological Survey, and authorize the Chairperson to execute the appropriate documents.

Final contract execution shall be contingent upon receiving the Governor's approval in accordance with Executive Memorandum No. 99-11 and approval of the contract by the Department of the Attorney General.

Commissioner Nishida commended Deputy Director Nishioka's letter of October 29, 1999 that primarily very clearly stating the tone of wanting to improve the cooperative working relationship. He feels that it is very essential to having a good operating Commission. Commissioner Nishida also stated that he has received some very positive comments from the water community as well and thanks the staff for all their efforts.

Chairperson Johns formerly introduced Mr. Gordon Tribble, the new District Chief of the U.S. Geological Survey, Water Resources Division to the Commission.

TESTIMONY BY APPLICANT:

Mr. Tribble stated that the U.S.G.S. has worked cooperatively with the Water Commission to collect data and in some cases undertake analytical and investigative studies regarding water resources in the State. He agreed in that the scope of the program will essentially remain the same with some minor modifications. Principally, the stream gage on the Big Island from the mauka areas of Kohala into Waipio Valley he feels should be relocated in order to provide some more topical information in terms of emerging issues and a redistribution of some wells that ground water data are collected. Mr. Tribble feels that the proposed move will provide more useful ground water information. He stated that U.S.G.S. is looking forward to working with the Commission staff and any other parties regarding the modification of their network so that all agencies can get the maximum beneficial use of the financial resources.

Commissioner Richards stated that he is looking forward to a closer working relationship between U.S.G.S. and the Water Commission. He commended Mr. Tribble, Chairperson Johns and Deputy Director Nishioka for bringing these two agencies together to establish a cohesive working relationship.

MOTION: (Nobriga/Richards)

To approve the submittal.

UNANIMOUSLY APPROVED.

**4. Mr. Keith Douglas, Application for an After-the-Fact Stream Channel Alteration Permit (SCAP-MA-281), Installation of Culverts for Vehicular Access, Hanawana Stream, Haiku, Maui (TMK 2-9-11:18)**

PRESENTATION OF SUBMITTAL: Mr. Ed Sakoda

Mr. Sakoda made a correction to the staff submittal on page 2 of Item 4, second paragraph should read 7 feet tall, 11 feet wide and 18 feet long.

RECOMMENDATIONS:

That the Commission:

- a. Approve a stream channel alteration permit for two culverts on Hanawana Stream (TMK 2-9-11:18), Haiku, Maui, for vehicular access. The stream channel alteration permit shall be subject to the Commission's standard stream channel alteration permit conditions in the attached Exhibit 7.
- b. Advise the applicant that any future unpermitted stream channel alterations on the applicant's parcel will be considered willful violations subject to penalties under Hawaii Revised Statutes §174C-15.

## TESTIMONY BY APPLICANT:

Commissioner Nishida asked Mr. Sakoda what was the relationship of the culverts to State land and once the culverts are in place, who is responsible for maintaining the culverts.

Mr. Sakoda stated that the culverts are on the applicant's property although portions of the property are in a conservation district. He stated that as far as the stream is concerned, the culverts are on the applicant's property.

Commissioner Anderson asked why 2 culverts rather than 1. He stated that according to the exhibit it looks like a driveway the way it snakes over the stream.

Mr. Keith Douglas, in answer to Commissioner Anderson's question stated that it is too steep to park and that the road is perpendicular to the streams. There are historical terraces on both sides of both streams.

Commissioner Nishida asked Mr. Douglas that he noticed that his address is in Alaska. He asked Mr. Douglas who would be maintaining the culverts.

Mr. Douglas, in answer to Commissioner Nishida's question stated that a caretaker would be maintaining the property.

MOTION: (Nobriga/Richards)

To approve the submittal.

UNANIMOUSLY APPROVED.

**5. Maui Department of Water Supply, EXTENSION OF WELL CONSTRUCTION PERMIT, Waikapu Mauka Well (Well No. 5131-01), Well Construction: 24-inch Casing Diameter, 860-ft. Deep Well, Pump Installation: 1400 gpm for municipal use, TMK 3-5-4:18, Wailuku, Maui**

PRESENTATION OF SUBMITTAL: Mr. Roy Hardy

## RECOMMENDATION:

- A. That the Commission approve the extension of the well construction permit for Waikapu Mauka Well (Well No. 5131-01), without changing any other conditions.

Mr. Hardy made a correction to the submittal. The submittal refers to a 24-inch casing. It should be 18-inch casing.

## TESTIMONY BY APPLICANT:

Mr. David Craddick, Director of Maui Department of Water supply stated that the step test was done last week Friday (December 10, 1999) and the long-term test was started yesterday (December 13, 1999). They expect to finish by this Friday (December 17, 1999). The well and the casing are grouted.

Commissioner Richards asked Mr. Craddick how would he avoid overpumping the Iao Aquifer

Mr. Craddick stated that the Kanoa No. 1 Well will be pumping into the system and that should immediately cut Iao Aquifer withdrawal by 1-1/2 million gallons. The surface water treatment plant is in the process of being restarted also. East Maui Irrigation (EMI) wanted the well to be pumped at approximately 10% of the time, but Mr. Craddick stated that they are trying to negotiate the pumping at 40 to 50% of the time.

Commissioner Girald stated that he is concerned about using the EMI water or basically HC&S water. He stated that he does not feel comfortable about this and feels that in order for the Commission to carry out the mandate and requirements as Commissioners, maybe the Board should look at other sources of water. Commissioner Girald stated that too many additional delays on Maui BWS getting sources on line.

Chairperson Johns stated that at the next Commission meeting in January, if the trend is continuing to go up a briefing and revisiting of what needs to be done should be coordinated.

Deputy Director Nishioka clarified that at this point the cumulative average is 18.6. At this point a back up plan of designation and what the Commission decides is in question. A meeting with staff is scheduled and a report at the January 26 meeting will be made. Deputy Director Nishioka stated that if the current pumping continues at this same rate by March, the 12 MAV may exceed sustainability yield of 20 mgd.

Commissioner Anderson suggested that wastewater reuse program could be used or developed as a potential source or an alternative source for irrigation. This will be a potential means for offsetting the demand for potable water in the area.

MOTION: (Nobriga/Richards)  
To approve the submittal.  
UNANIMOUSLY APPROVED.

**6. The Estate of James Campbell APPLICATION FOR A WATER USE PERMIT, Kahuku Air Base Wells, Well Nos. 4158-12 & 13, TMK 5-6-05:07, Existing/Future Agricultural Use for 0.200 mgd, Koolauloa Ground Water Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Mr. Ryan Imata

RECOMMENDATIONS:

Staff recommends that the Commission defer this application to the next Commission meeting.

## TESTIMONY BY APPLICANT:

Mr. Bert Hatton of Campbell Estate stated that staff has been working diligently and helpfully to clarify points on existing use and new use with respect to Federal and State regulations.

MOTION: (Nobriga/Nishida)

To approve the submittal.

UNANIMOUSLY APPROVED

**7. Honolulu Board of Water Supply APPLICATION FOR A WATER USE PERMIT, Kapalama #2 & #1 Wells, WUPA No. 408, Well Nos. 2052-13 & 14, TMK 1-6-22:07, Future Municipal Use for 1.292 mgd, Kalihi Ground Water Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

## RECOMMENDATIONS:

The staff recommends that the Commission:

1. Approve the issuance of an interim five-year water use permit (WUP No. 408) to Honolulu Board of Water Supply for the reasonable and beneficial use of 1.228 million gallons per day of groundwater for municipal use from the Kapalama #2 & #1 Wells (Well Nos. 2052-13 & 14), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:
  - a. The Commission shall delegate to the Honolulu Board of Water Supply the authority to allocate the use of water for municipal purposes, in accordance with §174C-48(b) HRS.
  - b. Honolulu Board of Water Supply shall be exempt from the requirements of permit modifications as provided in §174C-57 HRS.
  - c. This interim water use permit shall cease to be interim and shall become subject to §174C-55 HRS upon administrative review of the quantity within 5 years, provided that all conditions of the use (including the review of the quantity which shall not be greater than the amount initially granted) remain the same.
  - d. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
  - e. Honolulu BWS may submit monthly reports of water use, water levels, chlorides, and temperatures on their own forms, provided that the information is submitted in a format that is acceptable to the Commission staff.

2. Defer action on the landscape irrigation portion of the application for sixty (60) days. If additional information regarding: 1) the actual net irrigated acres and 2) clarifying the need for additional water in excess of the guideline is not submitted within sixty (60) days, this portion of the application will be deemed denied without prejudice upon expiration of the sixty (60) day deferral period.
3. Authorize the chairperson to approve and issue pump installation permits for Well Nos. 2052-13 & 14.

Ms. Nakama noted that Standard Condition 7 be amended to change the date to December 14, 1999 meeting.

MOTION: (Richards/Girald)  
To approve the submittal.  
UNANIMOUSLY APPROVED

**8. Waialua Sugar Company REVOCATION OF WATER USE PERMIT, Pump 4, Well Nos. 3605-02 to 04, 06 to 08, 11 to 13 (WUP No. 55), Kawaioloa Ground Water Management Area, Oahu**

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission revoke WUP No. 55.

MOTION: (Nobriga/Girald)  
To approve the submittal.  
UNANIMOUSLY APPROVED.

Chairperson Johns adjourned the meeting at 10:16 a.m.

Respectfully submitted,

FAITH F. CHING  
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA  
Deputy Director